

2-1



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

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|---|---|---------------------------------------|-----------------------------|
| MEETING DATE January 7, 2005 | CONTACT/PHONE Martha Neder, AICP, Planner (805) 781-4576 | APPLICANT Ann Konda | FILE NO. DRC2004-00096 |
| LOCAL EFFECTIVE DATE January 21, 2005 | | | |
| APPROX FINAL EFFECTIVE DATE February 11, 2005 | | | |
| SUBJECT Request by Ann Konda for a Minor Use/Coastal Development Permit to allow construction of an approximately 580 square foot guesthouse above an existing garage. The project will result in the disturbance of approximately 100 square feet of a one-acre parcel. The proposed project is within the Residential Single Family land use category and is located at 6385 Cambria Pines Road in the community of Cambria. The site is in the North Coast planning area. | | | |
| RECOMMENDED ACTION Approve Minor Use/Coastal Development Permit DRC2004-00096 based on the findings listed in Exhibit A and the conditions listed in Exhibit B | | | |
| ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on November 24, 2004 (ED04-232). | | | |
| LAND USE CATEGORY Residential Single Family | COMBINING DESIGNATION Terrestrial Habitat, Sensitive Resource Area, Archaeologically Sensitive | ASSESSOR PARCEL NUMBER 013-084-029 | SUPERVISOR DISTRICT(S) 2 |
| PLANNING AREA STANDARDS: Setbacks, Height Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i> | | | |
| LAND USE ORDINANCE STANDARDS: Local Coastal Program, Sensitive Resource Area, Archaeologically Sensitive, and Terrestrial Habitat <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i> | | | |
| FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process. | | | |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242 | | | |

2-2

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| EXISTING USES: Single family residence and detached garage | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family <i>East:</i> Public Facilities <i>South:</i> Residential Single Family <i>West:</i> Residential Single Family | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Cambria Fire Department, Cambria Community Services District, North Coast Advisory Council, and the California Coastal Commission | |
| TOPOGRAPHY: Nearly level to gently sloping | VEGETATION: Monterey Pines, Coast Live Oaks, Ornamental landscaping |
| PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: CCSD | ACCEPTANCE DATE: November 24, 2004 |

DISCUSSION

PLANNING AREA STANDARDS:

Required setbacks are 30' in the front, 15' on the side, and vary between 50' and 75' feet in the rear. Height limit is 28' measured from average natural grade. The proposed project conforms to these standards.

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

CZLUO Section 23.08.032, Residential Accessory Uses, allows a guesthouse to be constructed located within 50 feet of the principal residence with a maximum of 600 square feet. The proposed 580 square foot guesthouse located approximately 25 feet from the principal residence conforms to this standard.

A preliminary archaeological surface survey was conducted on the project site when the single family residence and detached garage was constructed (Parker and Associates; August 18, 1994). The results of the investigation found that no potentially significant cultural resources are present on the parcel. From these results, no further mitigation is required.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. A will serve letter from Cambria Community Services District dated October 26, 2004 was submitted which shows impact fees for a guesthouse above an existing garage.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new guesthouse will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the guesthouse will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. No trees are to be removed and the guesthouse is located above an existing garage.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.

Policy 3: Habitat Restoration: The proposed project is consistent with this policy because no trees are to be removed.

Policy 27: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because not allowing an addition to a single family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5th Amendment of the US Constitution. Therefore, allowing a single-family residence or residential accessory use to be developed on the property is considered to be a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).

Policy 28: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized.

Policy 33: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design.

Visual and Scenic Resources:

Policy 7: Preservation of Trees and Native Vegetation: The location and design of the project minimize tree removal.

Archeology:

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas applies to the project. The Preliminary Site Survey conducted for the parcel by found that no potentially significant cultural resources are present on the parcel.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

2-4

Planning Department Hearing
Minor Use Permit DRC2004-00096/Konda
Page 4

COMMUNITY ADVISORY GROUP COMMENTS: No comment from NCAC

AGENCY REVIEW:

Public Works – No comment received at time of report preparation
Cambria Community Services District – Water and Sewer Availability letter dated October 26, 2004, impact fees paid 11/9/04

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots. Tract 543

Staff report prepared by Martha Neder and reviewed by Matthew Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15303 because it is an addition to an existing structure.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because guesthouse does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the guesthouse is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Cambria Pines Road, a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Sensitive Resource Area

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. No trees are to be removed and the guesthouse is located above an existing garage.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because no trees are to be removed and the guesthouse is located above an existing garage.

- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because no trees are to be removed and the guesthouse is located above an existing garage.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat because no trees are to be removed and the guesthouse is located above an existing garage.
- M. The project or use will not significantly disrupt the habitat, because it requires minimal site disturbance.

Archeological Sensitive Area

- N. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project has minimal site disturbance.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the construction of an addition of an approximately 580 square foot guesthouse above an existing garage. The guesthouse shall be in conformance with CZLUO Section 23.08.032, Residential Accessory Uses.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

Grading, Drainage, Sedimentation and Erosion Control

3. Prior to issuance of construction permits, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
4. Prior to issuance of construction permits, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.
5. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
6. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
7. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
8. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
9. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

Archaeology

10. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - A. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Fire Safety

11. Prior to issuance of a construction permit, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.
12. Prior to occupancy or final inspection, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Cambria Community Services District

13. Existing water fixtures shall be retrofitted to current standards under District Ordinance 3-88 as amended.
14. The owners shall provide the District with a copy of county building permit issued for this project.
15. Applicant shall submit for final plumbing inspection upon completion of the project.

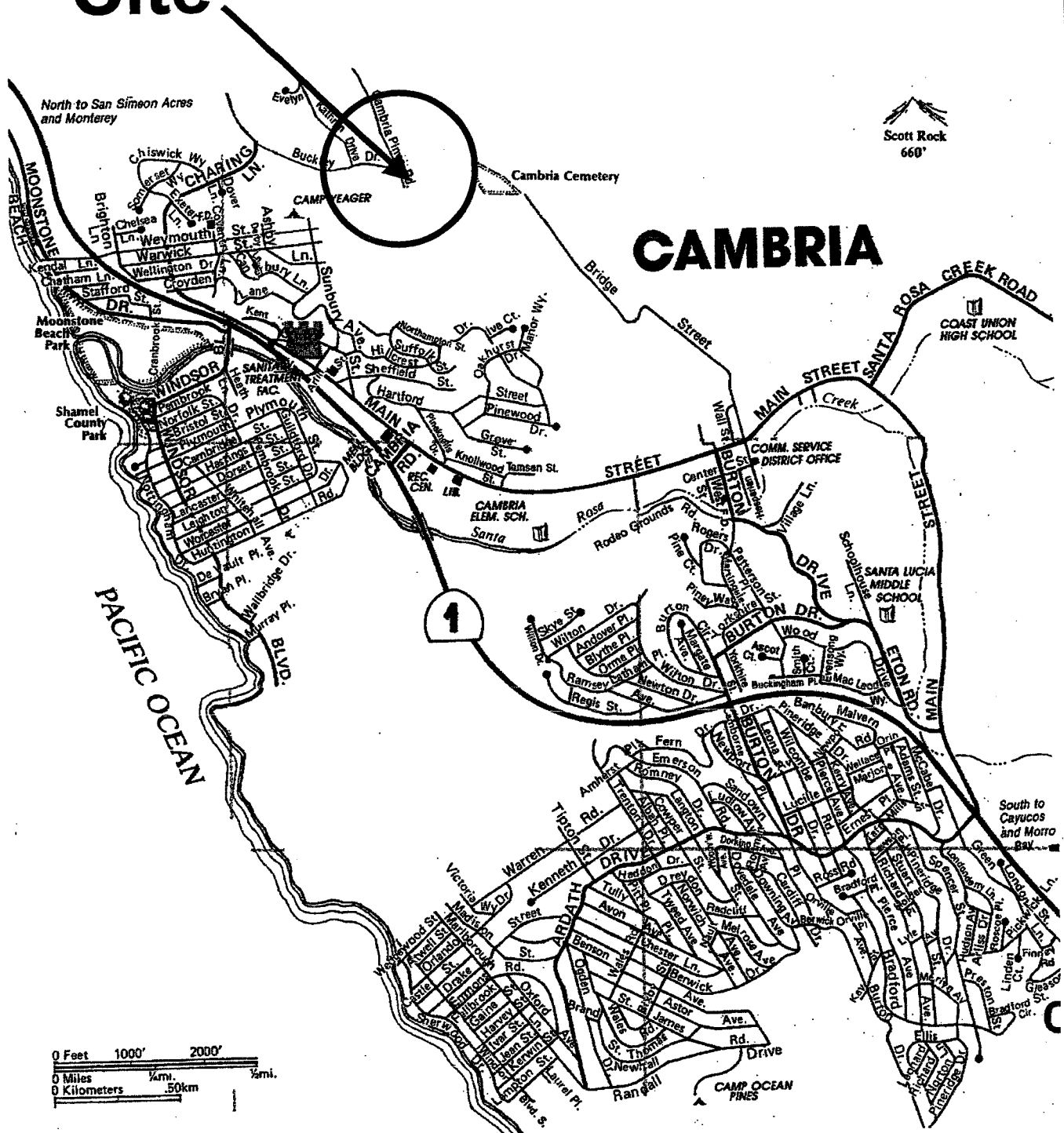
Landscape Plan

16. Prior to issuance of a construction permit, the applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Miscellaneous

17. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.
18. Prior to occupancy of any structure associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
19. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').

Site



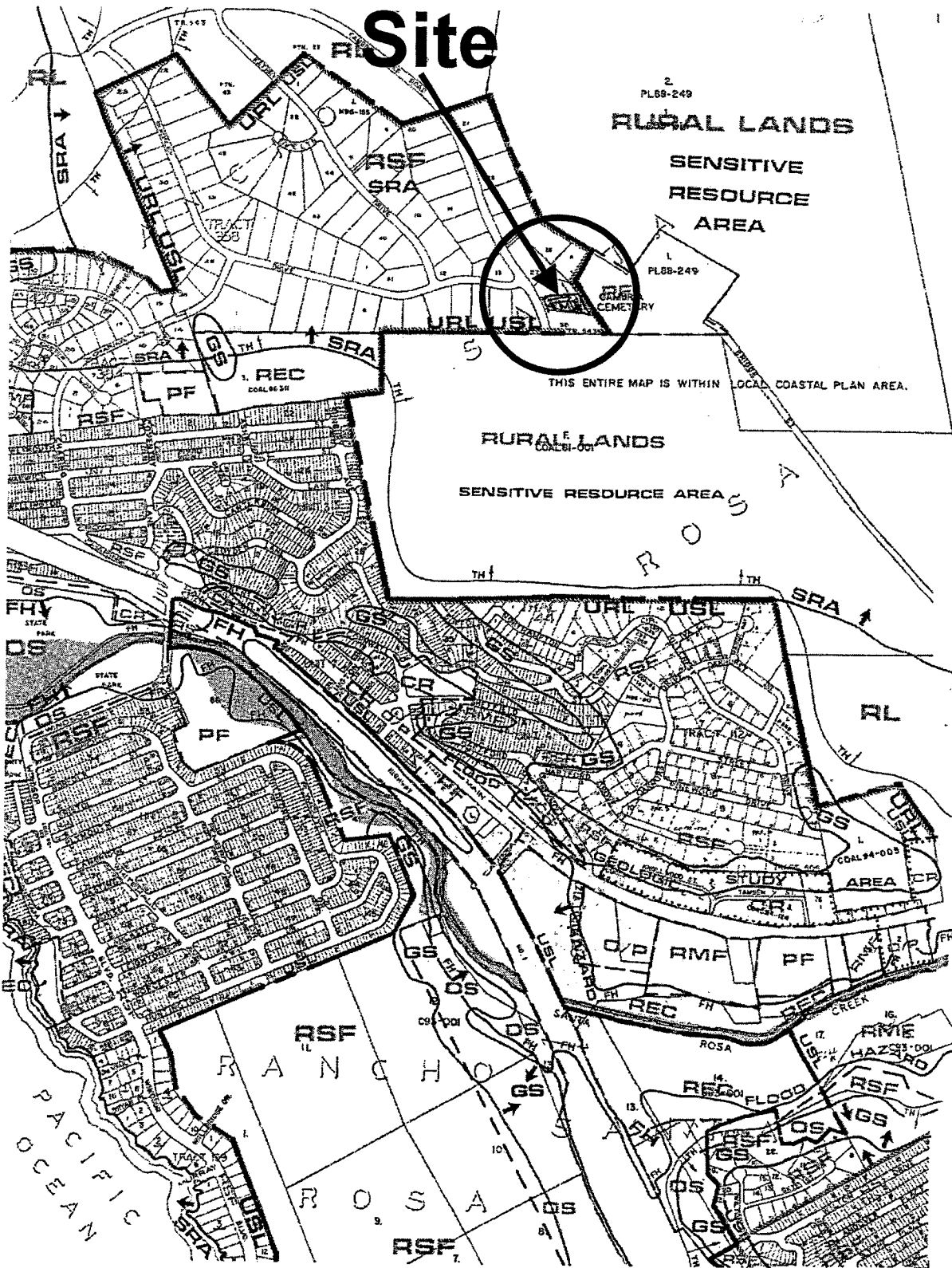
PROJECT

Minor Use Permit
Konda/ DRC2004-00096



EXHIBIT

Vicinity Map



PROJECT

Minor Use Permit
Konda/ DRC2004-00096

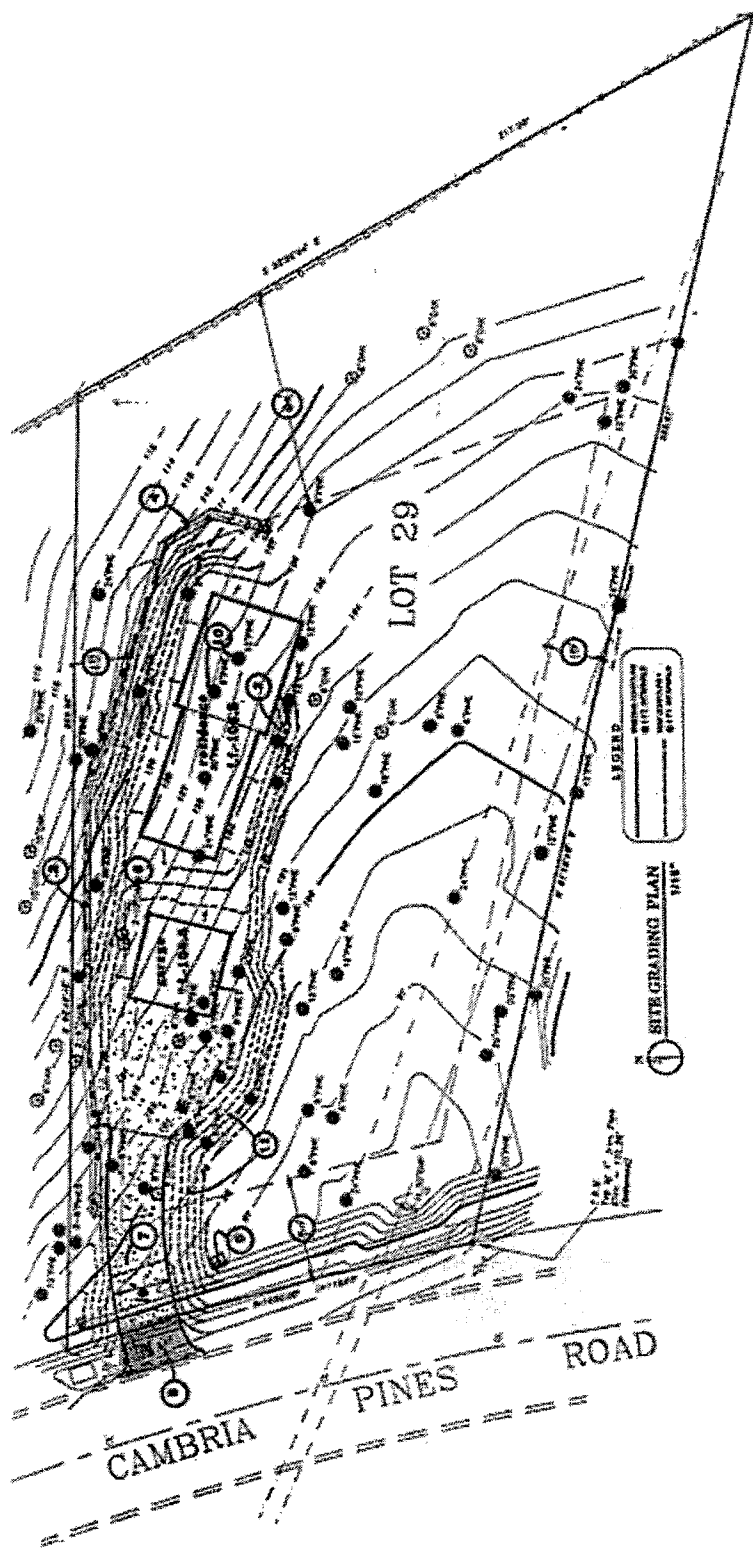


EXHIBIT

Land Use Category Map

2-11

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



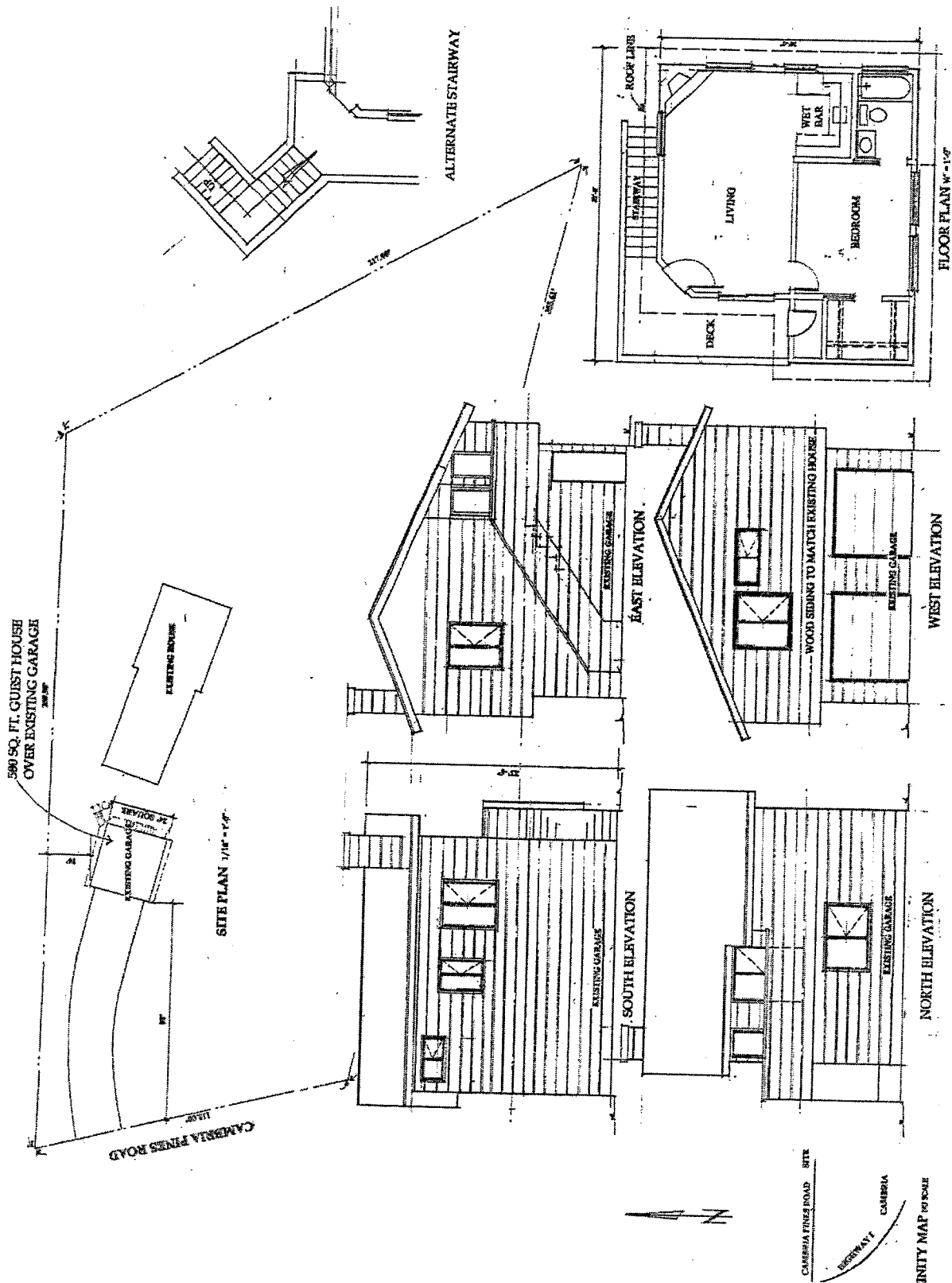
PROJECT

Minor Use Permit
Konda/ DRC2004-00096



EXHIBIT

Site Plan

**PROJECT**

Minor Use Permit
Konda/ DRC2004-00096



EXHIBIT

Floor Plan and Elevations